

## **BILL ANALYSIS**

Senate Research Center

S.B. 329  
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Health & Human Services  
7/16/2013  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Approximately 70,000 new cases of invasive melanoma, the most dangerous type of skin cancer, are diagnosed in the United States each year. It is one of the most frequently occurring cancers in young adults ages 20 to 30, and it is the main cause of cancer death in women ages 25 to 30.

While melanoma accounts for only three percent of all types of skin cancer, it has the highest death rate and is more likely to spread (metastasize) in the body. It is becoming more common. While cancer incidence rates for certain cancers are decreasing, the incidence rate for melanoma is increasing.

The International Agency for Research on Cancer (IARC), part of the World Health Organization (WHO), has classified ultraviolet-emitting tanning devices such as tanning beds and sunlamps as carcinogenic. Moreover, indoor tanning has been associated with a significant increase in the risk of melanoma.

Under current state law, the minimum age of a person allowed to use a tanning device is 16 and one-half years of age and children younger than 18 years of age are prohibited from using a tanning device unless the child's parent or legal guardian, in person at the facility, consents in writing.

S.B. 329 increases the minimum age of a person allowed to use a tanning device to 18 years of age.

S.B. 329 amends current law relating to a prohibition on the use of a tanning facility by a minor.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 1 (Section 145.008, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 145.008(e), (f), and (i), Health and Safety Code, as follows:

(e) Requires a person, before a customer, rather than a customer who is 18 years of age or older, uses a tanning facility's tanning device for the first time and each time a person executes or renews a contract to use a tanning facility, to provide photo identification and sign a written statement acknowledging that the person has read and understood the required warnings before using the device and agrees to use protective eyewear.

(f) Prohibits a tanning facility from allowing a person younger than 18, rather than 16.5, years of age to use a tanning device to ensure the proper operation of the tanning equipment. Deletes existing text prohibiting a tanning facility from allowing a person younger than 18 years of age to use a tanning device unless the person's parent or legal guardian, in person at the facility, consents in writing for the person to use the device, which may be revoked at any time. Makes nonsubstantive changes.

(i) Requires that the record of each customer using a tanning device at a tanning facility include certain information as prescribed by the executive commissioner of the Health and Human Services Commission, by rule, including any written informed consent statement required to be signed under Subsection (e), rather than any parent or guardian consent required under Subsection (f) or any written informed consent statement required to be signed under Subsection (e) or (g) (relating to requiring a person under 18 years of age to give the tanning facility operator a certain consent statement before the person uses the tanning facility device for the first time).

SECTION 2. Repealer: Section 145.008(g) (relating to requiring a person under 18 years of age to give the tanning facility operator a certain consent statement before the person uses the tanning facility device for the first time), Health and Safety Code.

SECTION 3. Requires a tanning facility, notwithstanding Section 145.008(i), Health and Safety Code, as amended by this Act, to maintain a record of the information required under Sections 145.008(g) and (i), Health and Safety Code, as that law existed before the effective date of this Act, for a customer younger than 18 years old until the third anniversary of the date of the customer's last use of a tanning device.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2013.